

- (3) New construction of all permitted uses in multi-family and business districts;
- (4) New construction of all conditional uses;
- (5) Any existing or previously approved development meeting the criteria of subsections (2) through (4) above that proposes to alter, reconstruct, or otherwise modify a use or site including expanding the floor area of the permitted use; increasing the number of dwelling units in a multi-family development; or changing the use which requires an increase in the amount of parking or a change in the site's circulation, unless exempt from development plan review pursuant to § 150.1405.
- (6) Any development not otherwise exempted in this code.

§ 150.1403 FILING AN APPLICATION.

Applications for development plan review shall be filed by a property owner, designated agent or a lessee with formal and sufficient consent of the property owner.

§ 150.1404 PREAPPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Administrator or the Planning Commission prior to submitting an application for general development plan review or final development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Zoning Code and the criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or

recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.

§ 150.1405 MINOR ALTERATIONS REVIEWED BY ZONING ADMINISTRATOR.

When a minor alteration is proposed to an existing building, structure or site arrangement on a zoning lot or to an approved development plan prior to or during the time of construction, the Zoning Administrator may make a determination that such a proposal is not subject to development plan review.

- (a) For the purposes of this Section, a proposed development may be considered a minor alteration when it complies with both (1) and (2) below:

- (1) It is limited to the following:

A. The construction, addition, or alteration of a principal or accessory structure permitted in the O, L-B, or G-B Districts, or a principal or accessory structure of a conditional use permitted in any district, excluding the OM District, that results in an increase in the building footprint of that principal or accessory structure by less than 25% but not more than 1,000 sq. ft, whichever is less.

B. Any construction on a property in the O, L-B or G-B District, or a conditional use in any district, excluding the OM District, which results in an increase of the total impervious surface area on the lot up to 10% but not more than 2,000 square feet.

C. Minor modifications to a landscape or lighting plan, provided that the plan remains in compliance with the requirements of Chapters

151.32 and 151.34 and does not significantly reduce the number of full shade trees or visual screening of the original approved plan.

D. In any case, a proposed increase in the original building footprint of 500 square feet or less may be considered a minor alteration.

- (2) The Zoning Administrator determines that the minor alteration will have no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (b) The applicant shall submit a scaled drawing indicating the proposed minor alteration.
- (c) The Zoning Administrator shall review the proposal to determine that it is appropriate and not contrary to this Zoning Code. In making such determination, the Zoning Administrator may consult with the Chair of the Planning Commission.
- (d) In the event that the Zoning Administrator approves the proposal, he or she shall issue a Zoning Certificate to the applicant. If the Zoning Administrator denies the proposal, he shall notify the applicant and transmit his reasons for the denial. The Zoning Administrator shall complete his review and make a determination within 30 days of receipt of a complete application. The Zoning Administrator shall record his determination and report it to the Planning Commission at their next regularly scheduled meeting.
- (e) When the Zoning Administrator determines that a minor alteration proposed in the Heritage Overlay District is not subject to development plan review, according to the criteria outlined in subsection (a) above, such proposal shall be reviewed by the Zoning Administrator

in accordance with the procedures set forth in § 150.1207.

- (f) All other requests for modifications that do not meet the criteria outlined in this Section shall be submitted for approval in accordance with this Chapter.

§ 150.1406 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for general development plan review shall include a plan for the entire area of the proposed project. The application along with the application fee shall be submitted to the Zoning Administrator. The application shall include the map, plan, and supplementary documentation itemized below. A sufficient number of copies of the following items, as determined by the Zoning Administrator, shall be submitted with the application.

- (a) A vicinity map showing the relationship of the site to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within 200 feet of the site, and zoning district boundaries.
- (b) Verification of availability of all utilities, including water, sanitary sewer, gas, electric etc.
- (c) The general development plan shall be drawn to an appropriate scale and shall indicate:
 - (1) The location of all existing structures and access points.
 - (2) The general location of existing buildings, parking areas and access drives on parcels within 200 feet of the site.
 - (3) The general location of all proposed construction including buildings and structures, parking areas, and access points.

(d) The development will have adequate open spaces that meet the objectives of the Comprehensive Community Plan.

(e) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code.

§ 150.1410 PLANNING COMMISSION REVIEW OF A FINAL DEVELOPMENT PLAN.

The Planning Commission shall review a final development plan to determine if such application complies with the review criteria set forth below. In order to approve a final development plan, the Planning Commission shall determine that:

(a) The plan is consistent with any plan for the orderly development of the City and, when applicable, conforms in all respects to the approved or provisionally approved general development plan, provided however, that the Planning Commission may authorize plans as specified Section 150.1414.

(b) The appropriate use and value of property within and adjacent to the area will be safeguarded.

(c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.

(d) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.

(e) The development will have adequate public service and open spaces.

(f) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code.

(g) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity.

(h) The proposed signs:

(1) Are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; that the base of ground-mounted signs are adequately landscaped.

(2) Adequately identify the use; and

(3) Are located so as to maintain safe and orderly pedestrian and vehicular circulation.

(i) The landscape plan will adequately provide the following:

(1) Enhance the principal building and site;

(2) Maintain existing trees to the extent possible;

(3) Buffer adjacent incompatible uses;

(4) Break up large expanses of pavement with natural material; and

(5) Provide appropriate plant materials considering the ultimate mature size and shape of plants relative to the buildings and site, and the climate of the area, including typical weather conditions.

(j) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas, and shall comply with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters. The final water management and sediment control plan is subject to review and final

approval by the City Engineer or consulting engineer.

(k) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

(l) The project complies with all other local, state and federal laws and regulations.

§ 150.1411 REQUEST FOR ADDITIONAL INFORMATION.

In their review of an application, the Planning Commission may request that the applicant supply additional information that the Commission deems necessary to adequately review and evaluate the proposed development.

§ 150.1412 SIMULTANEOUS PLAT APPROVAL.

If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with Chapter 156. Preliminary development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission.

§ 150.1413 ACTION BY PLANNING COMMISSION.

(a) For a general or final development plan, the Planning Commission shall either:

- (1) Approve the development plan as submitted; or
- (2) Approve the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the yard layout, open space arrangement, on-site control of access to streets or such

features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or

- (3) Deny the development plan when the application does not demonstrate that the required standards have been met. Such denial may be appealed to Council by the applicant if a Notice of Appeal is filed with the Planning Commission and the Clerk of Council within 14 days of the date the applicant's development plan is denied in writing by the Planning Commission. Such appeal shall be heard as provided in Section 150.1415.

(b) If the Planning Commission fails to act on the application within 120 days from the date the application was determined to be administratively complete, or an extended period as may be agreed upon, then the applicant may deem the development plan to be denied and such denial may be appealed to Council by filing a written Notice of Appeal with the Planning Commission and the Clerk of Council at anytime after the 120 day date, and before a final decision on such development plan is made by the Planning Commission.

§ 150.1414 EQUIVALENCY PROVISION.

In reviewing the application, the Planning Commission may find that a final development plan either adheres or is equivalent to the requirements of this Zoning Code.

(a) The Planning Commission may consider elements of a final development plan to be equivalent to a requirement if:

- (1) The proposed final development plan substantially complies with all specific requirements and with the